

12/28/98
Jc617 U.S. PTO

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PTO/SB/05 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 82771.P279

Total Pages 2

First Named Inventor or Application Identifier William F. Terrell

Express Mail Label No. EL034432186US

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

06/06/97
07:22/60
OLD U.S. 06501

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. X Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. X Specification (Total Pages 28)
(preferred arrangement set forth below)
 - Cover Sheet
 - Descriptive Title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claims
 - Abstract of the Disclosure
3. X Drawings(s) (35 USC 113) (Total Sheets 5)
4. X Oath or Declaration/Power of Attorney (Total Pages 3)
 - a. X Unsigned
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed) (**Note Box 5 below**)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Copy
 - b. Paper Copy (identical to computer copy)
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & documents(s))
9. ☐ a. 37 CFR 3.73(b) Statement (where there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ a. Information Disclosure Statement (IDS)/PTO-1449
- ☐ b. Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
14. ☐ a. Small Entity Statement(s)
- ☐ b. Statement filed in prior application, Status still proper and desired
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other: Certificate of Mailing (1 page in duplicate)
- ☐
- ☐
- ☐

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)
of prior application No: ☐

18. Correspondence Address

☐ Customer Number or Bar Code Label ☐
(Insert Customer No. or Attach Bar Code Label here)
or
☒ Correspondence Address Below

NAME Michael A. Proksch, Reg. No. 43,021
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12/01/97

- 2 -

PTO/SB/05 (12/97)

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SECRET - 01/01/2000

12/28/98

Jc617 U.S. PTO

FEE TRANSMITTAL**EXPRESS MAIL NO. EL034432186US****Complete if Known:**

Application No. _____
 Filing Date December 28, 1998
 First Named Inventor William F. Terrell
 Group Art Unit _____
 Examiner Name _____
 Attorney Docket No. 82771.P279

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

- ☒ Deposit Account Name _____
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.131(b)

2. ☒ Payment Enclosed
☒ Check
☐ Money Order
☐ Other

FEE CALCULATION (fees effective 10/01/97)**1. FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	760	201	380	Utility application filing fee	<u>760.00</u>
106	310	206	155	Design application filing fee	_____
107	480	207	240	Plant filing fee	_____
108	760	208	380	Reissue filing fee	_____
114	150	214	75	Provisional application filing fee	_____
SUBTOTAL (1)					<u>\$ 760.00</u>

2. CLAIMS

			Extra		Fee from below		Fee Paid
Total Claims	<u>15</u>	- <u>20</u>	=	<u>0</u>	X	<u>18.00</u>	= _____
Independent Claims	<u>2</u>	- <u>3</u>	=	<u>0</u>	X	<u>78.00</u>	= _____
Multiple Dependent Claims					X		= _____

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	22	203	11	Claims in excess of twenty	_____
102	82	202	41	Independent claims in excess of 3	_____
104	270	204	135	Multiple dependent claim	_____
109	82	209	41	Reissue independent claims over original patent	_____
110	22	210	11	Reissue claims in excess of 20 and over original patent	_____
SUBTOTAL (2)					<u>\$ _____</u>

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	400	216	200	Extension for response within second month	
117	870	217	475	Extension for response within third month	
118	1,510	218	755	Extension for response within fourth month	
128	2,060	228	1,030	Extension for response within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,320	241	660	Petition to revive unintentionally abandoned application	
142	1,320	242	660	Utility issue fee (or reissue)	
143	450	243	225	Design issue fee	
144	670	244	335	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	790	246	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
149	790	249	395	For each additional invention to be examined (see 37 CFR 1.129(a))	
Other fee (specify) _____					
Other fee (specify) _____					
SUBTOTAL (3)					\$

*Reduced by Basic Filing Fee Paid

TOTAL AMOUNT OF PAYMENT (\$)

\$ 760.00

SUBMITTED BY:

Typed or Printed Name: Michael A. Proksch

Signature Michael A. Proksch Date December 28, 1998

Reg. Number 43,021 Deposit Account User ID _____ (complete if applicable)

**METHOD AND APPARATUS FOR DYNAMICALLY CONTROLLING THE PROVISION
OF DIFFERENTIATED SERVICES**

Inv ntors: William F. Terrell et al.

Our Reference: 82771.P279

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Michael A. Proksch
Michael A. Proksch
Reg. No. 43,021

3530 U.S. PTO
09/222340
12/28/98

"Express Mail" mailing label number: EL034432186US

Date of Deposit: December 28, 1998

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Michelle L. Evans

(Typed or printed name of person mailing paper or fee)

Michelle L. Evans

(Signature of person mailing paper or fee)

12/28/98

(Date signed)

Serial/Patent No. <u>Not Yet Assigned</u>	Filing/Issue Date: <u>December 28, 1998</u>
Client: <u>BAY NETWORKS, INC. (Terrell et al.)</u>	
Title: <u>METHOD AND APPARATUS FOR DYNAMICALLY CONTROLLING THE PROVISION OF DIFFERENTIATED SERVICES</u>	
BSTZ File No. <u>82771.P279</u>	Atty/Secty Initials: <u>MAP/mew</u>
Date Mailed: <u>December 28, 1998</u>	Docket Due Date: <u>***</u>
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:	
<input type="checkbox"/> Amendment/Response (____ pgs.)	<input checked="" type="checkbox"/> Express Mail No. <u>EL034432186US</u> <input checked="" type="checkbox"/> Check No. <u>5958</u>
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> Month(s) Extension of Time <u> </u> Am: <u>\$760.00</u>
<input checked="" type="checkbox"/> Application - Utility (<u>28</u> pgs., with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO 149 (____ pgs.) <input type="checkbox"/> Check No. <u> </u>
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Issue Fee Transmittal <u> </u> Am: <u> </u>
<input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)	<input type="checkbox"/> Notice of Appeal <u> </u>
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for Extension of Time <u> </u>
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)	<input type="checkbox"/> Petition for <u> </u>
<input type="checkbox"/> Application - Design (____ pgs.)	<input checked="" type="checkbox"/> Postcard <u> </u>
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Preliminary Amendment (____ pgs.)
<input type="checkbox"/> Assignment and Cover Sheet <u> </u>	<input type="checkbox"/> Reply Brief (____ pgs.)
<input checked="" type="checkbox"/> Certificate of Mailing (<u>1 page x 2</u>)	<input type="checkbox"/> Response to Notice of Missing Parts <u> </u>
<input checked="" type="checkbox"/> Declaration & POA (<u>3</u> pgs.) (unsigned)	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business <u> </u>
<input type="checkbox"/> Disclosure Docs & Copy of Invention Signed Letter (____ pgs.)	<input checked="" type="checkbox"/> Transmittal Letter, in duplicate <u> </u>
<input checked="" type="checkbox"/> Drawings: <u>5</u> # of sheets includes <u>6</u> figures	<input checked="" type="checkbox"/> Fee Transmittal, in duplicate <u> </u>
<input type="checkbox"/> Other: <u> </u>	